

**Title 10: COMMERCE AND TRADE**  
**Chapter 501: WEIGHTS AND MEASURES LAW**

**Table of Contents**

<b>Part 6. WEIGHTS AND MEASURES.....</b>	
Subchapter 1. GENERAL PROVISIONS.....	5
Section 2301. SHORT TITLE.....	5
Section 2302. DEFINITIONS.....	5
Section 2303. CONSTRUCTION OF CONTRACTS (REPEALED).....	7
Section 2304. DUTY OF OWNERS OF INCORRECT APPARATUS (REPEALED).....	7
Section 2305. EXCLUSIONS (REPEALED).....	7
Subchapter 2. STANDARDS AND EQUIPMENT.....	7
Section 2351. SYSTEMS OF WEIGHTS AND MEASURES.....	7
Section 2352. PHYSICAL STANDARDS.....	7
Section 2353. TECHNICAL REQUIREMENTS FOR COMMERCIAL DEVICES.....	8
Section 2354. MUNICIPAL STANDARDS AND EQUIPMENT.....	8
Section 2355. STANDARD WEIGHT FIXED (REPEALED).....	8
Subchapter 2-A. MEASUREMENT OF WOOD.....	8
Section 2361. DEFINITIONS (REPEALED).....	8
Section 2361-A. DEFINITIONS.....	8
Section 2362. MEASUREMENT OF WOOD (REPEALED).....	10
Section 2362-A. FUEL WOOD.....	10
Section 2363. STANDARDS FOR WEIGHT SCALE (REPEALED).....	10
Section 2363-A. MEASUREMENT OF WOOD.....	10
Section 2364. STANDARDS FOR BUTT SCALE (REPEALED).....	12
Section 2364-A. ACCURATE AND VERIFIABLE MEASUREMENTS.....	12
Section 2364-B. TRANSPORTATION OF WOOD.....	13
Section 2365. STANDARDS FOR MEASUREMENT (REPEALED).....	15
Section 2365-A. LICENSING OF MEASURING AND SCALING OPERATORS.....	15
Section 2365-B. PERSONS LICENSED TO MEASURE AND SCALE WOOD.....	16
Section 2365-C. PERSONS ENFORCING LAWS RELATING TO MEASUREMENT OF WOOD.....	16
Section 2366. APPEAL PROCEDURE (REPEALED).....	16
Section 2366-A. DISPUTED WOOD.....	16
Section 2367. RULES.....	16
Section 2368. VIOLATIONS; PENALTIES.....	17
Section 2369. TRANSITION PROVISION.....	18
Subchapter 3. STATE SEALER.....	18
Section 2401. DESIGNATION; DEPUTY; INSPECTOR OF WEIGHTS AND MEASURES.....	18
Section 2402. POWERS AND DUTIES.....	18
Section 2403. SPECIAL POLICE POWERS.....	20
Section 2404. GENERAL INSPECTION AND TESTING OF WEIGHTS, MEASURES AND DEVICES (REPEALED).....	21

Section 2405. INVESTIGATIONS.....	21
Section 2406. INSPECTION OF PACKAGES.....	21
Section 2407. STOP-USE, STOP-REMOVAL AND REMOVAL ORDERS (REPEALED).....	22
Section 2408. DISPOSITION OF CORRECT AND INCORRECT APPARATUS (REPEALED).....	22
Section 2409. POWERS OF STATE SEALER; RIGHT OF ENTRY AND STOPPAGE (REPEALED).....	22
Section 2410. POWERS AND DUTIES OF DEPUTY STATE SEALER AND INSPECTORS (REPEALED).....	22
Section 2411. CONCURRENT JURISDICTION.....	22
Section 2412. REGISTRATION OF MOTOR FUEL DISPENSERS.....	22
Section 2413. GASOLINE LABELING (REPEALED).....	23
Subchapter 4. LOCAL SEALERS.....	23
Section 2451. ELECTION BY MUNICIPAL OFFICERS (REPEALED).....	23
Section 2452. APPOINTMENT BY STATE SEALER (REPEALED).....	23
Section 2453. -- POWERS AND DUTIES (REPEALED).....	23
Section 2455. RECORDS OF WEIGHTS AND MEASURES SEALED; ANNUAL REPORT (REPEALED).....	24
Subchapter 5. WEIGHMASTER.....	24
Section 2501. QUALIFICATIONS.....	24
Section 2502. SCALE USED; TYPE; TEST.....	25
Section 2503. CAPACITY; PLATFORM SIZE; ONE-DRAFT WEIGHING.....	25
Section 2504. ACTION BY UNLICENSED PERSONS.....	25
Section 2505. MALFEASANCE.....	25
Section 2506. SUSPENSION OR REVOCATION OF LICENSE.....	26
Subchapter 6. WEIGHT CERTIFICATES.....	26
Section 2551. REQUIRED ENTRIES.....	26
Section 2552. EXECUTION; REQUIREMENTS.....	26
Section 2553. COPIES PRESERVED AND AVAILABLE.....	26
Section 2554. RECIPROCAL ACCEPTANCE.....	26
Subchapter 7. SALE OF COMMODITIES.....	26
Section 2601. METHOD OF SALE (REPEALED).....	26
Section 2602. DECLARATIONS OF QUANTITY AND ORIGIN; TOLERANCES; EXCEPTIONS (REPEALED).....	27
Section 2603. DECLARATIONS OF UNIT PRICE ON RANDOM PACKAGES (REPEALED).....	27
Section 2604. MISLEADING PACKAGES (REPEALED).....	27
Section 2605. COMMODITY IN PACKAGE FORM DEFINED (REPEALED).....	27
Section 2606. SALE BY WEIGHT (REPEALED).....	27
Section 2607. MISREPRESENTATION OF PRICE; DISPLAY OF BASIC QUANTITY AND FRACTION IN PRICE PER UNIT (REPEALED).....	27
Section 2608. MEAT, FISH AND POULTRY (REPEALED).....	27
Section 2609. BUTTER, OLEOMARGARINE AND MARGARINE (REPEALED).....	27
Section 2610. FLUID DAIRY PRODUCTS (REPEALED).....	28
Section 2611. FLOUR, CORN MEAL AND HOMINY GRITS (REPEALED).....	28

Section 2612. COAL, COKE AND CHARCOAL (REPEALED).....	28
Section 2613. WOOD (REPEALED).....	28
Section 2614. ICE (REPEALED).....	28
Section 2615. TEXTILE PRODUCTS (REPEALED).....	28
Section 2616. BERRIES AND SMALL FRUITS (REPEALED).....	28
Subchapter 7-A. SALE OF COMMODITIES.....	28
Section 2621. MISREPRESENTATION OF QUANTITY.....	29
Section 2622. MISREPRESENTATION OF PRICING.....	29
Section 2623. METHOD OF SALE.....	29
Section 2623-A. CERTAIN WOOD BY-PRODUCTS.....	30
Section 2624. SALE FROM BULK.....	30
Section 2625. INFORMATION REQUIRED ON PACKAGES.....	30
Section 2626. DECLARATIONS OF UNIT PRICE ON RANDOM PACKAGES.....	31
Section 2627. ADVERTISING PACKAGES FOR SALE.....	31
Section 2628. CONFORMITY TO NATIONAL METHOD OF SALE REGULATIONS.....	31
Section 2629. CONFORMITY TO NATIONAL PACKAGING AND LABELING REGULATIONS.....	32
Section 2630. SALE OF ENGINE COOLANTS AND ANTIFREEZE.....	32
Section 2631. CONFORMITY TO NATIONAL ENGINE FUELS AND AUTOMOTIVE LUBRICANTS REGULATIONS.....	33
Subchapter 8. DEALERS AND REPAIRMEN.....	33
Section 2651. REGISTRATION; CERTIFICATES.....	33
Section 2652. HANDLING OF CONDEMNED DEVICES; DISPOSITION.....	33
Section 2653. REPORTS TO STATE SEALER.....	34
Section 2654. CALIBRATION OF TESTING EQUIPMENT; CERTIFICATE.....	34
Section 2654-A. RETAIL VEHICLE TANK METERING DEVICES.....	34
Section 2655. SUSPENSION OR REVOCATION OF REGISTRATION OF DEALERS OR REPAIRMEN.....	34
Section 2656. PENALTIES.....	35
Subchapter 9. FEES.....	35
Section 2701. SCHEDULE.....	35
Section 2702. PENALTY FOR FAILURE TO PAY.....	36
Subchapter 10. ENFORCEMENT AND JURISDICTION.....	36
Section 2751. OFFENSES AND PENALTIES.....	36
Section 2752. JURISDICTION.....	37
Section 2753. INJUNCTION.....	37
Section 2754. PRESUMPTIVE EVIDENCE.....	37
Section 2755. REGULATIONS TO BE UNAFFECTED BY REPEAL OR PRIOR ENABLING STATUTE.....	38



**Maine Revised Statutes**  
**Title 10: COMMERCE AND TRADE**  
**Chapter 501: WEIGHTS AND MEASURES LAW**

**Subchapter 1: GENERAL PROVISIONS**

**§2301. SHORT TITLE**

This chapter shall be known and may be cited as the "Maine Weights and Measures Law."

**§2302. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings: [1973, c. 91, §1 (RPR).]

**1. Cord;**

A. A standard cord is a unit of measure of wood products 4 feet wide, 4 feet high and 8 feet long, or its equivalent, containing 128 cubic feet when the wood is ranked and well stowed. Any voids that will accommodate a stick, log or bolt of average dimensions to those in that pile shall be deducted from the measured volume. [1979, c. 659, §1 (RPR).]

A-1. A cord when used in connection with sawdust, chips or shavings means the volume of material contained in 128 cubic feet at the time of sale. [1979, c. 659, §2 (NEW).]

A-2. Fuel wood, when sold loose and not ranked and well stowed, shall be sold by the cubic foot or loose cord, unless other arrangements are made between the buyer and seller. When sold by the loose cord, the wood in any cord shall average either 12 inches, 16 inches or 24 inches in length. When so sold, the volume of the cords shall be: A cord of 12 or 16 inches in length shall mean the amount of wood, bark and air contained in a space of 180 cubic feet; and a cord of wood 24 inches in length shall mean the amount of wood, bark and air contained in a space of 195 cubic feet. [1981, c. 219, (AMD).]

B. A face cord is a unit of measure 4 feet high and 8 feet long, or its equivalent, containing 32 square feet. The length of sticks shall be agreed upon by both parties; [1973, c. 91, §1 (RPR).]

[ 1981, c. 219, (AMD) .]

**2. Correct.** "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this chapter;

[ 1973, c. 91, §1 (RPR) .]

**3. Dealer.** "Dealer" shall mean any person engaged in the business of dealing in, selling, buying, exchanging or trading in weighing or measuring devices in this State;

[ 1973, c. 91, §1 (RPR) .]

**4. Licensed public weighmaster.** "Licensed public weighmaster" shall mean and refer to all persons who shall, for hire, weigh or measure any commodity, produce or article and issue therefor, a weight certificate, which shall be accepted as the accurate weight, upon which the purchase or sale of such commodity is based;

[ 1973, c. 91, §1 (RPR) .]

**4-A. Motor fuel dispenser.** "Motor fuel dispenser" means a commercial motor fuel dispenser that dispenses fuel for retail sale.

[ 2003, c. 638, §1 (NEW) .]

**5. Package.** "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale;

[ 1973, c. 91, §1 (RPR) .]

**6. Person.** "Person" means both plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations;

[ 1973, c. 91, §1 (RPR) .]

**7. Primary standards.** "Primary standards" means the physical standards of the State which serve as the legal reference from which all other standards and weights and measures are derived;

[ 1973, c. 91, §1 (RPR) .]

**8. Repairman.** "Repairman" shall mean any person engaged in the business of adjusting or repairing weighing or measuring devices in this State or an employee thereof engaged in such business;

[ 1973, c. 91, §1 (RPR) .]

**9. Sale from bulk.** "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale;

[ 1973, c. 91, §1 (RPR) .]

**10. Sealer and deputy sealer.** "Sealer" and "deputy sealer" shall mean, respectively, a sealer of weights and measures, and a deputy sealer of weights and measures, of a municipality or of several municipalities;

[ 1973, c. 91, §1 (RPR) .]

**11. Secondary standards.** "Secondary standards" means the physical standards which are traceable to the primary standards through comparison, using acceptable laboratory procedures and used in the enforcement of weights and measures laws and regulations;

[ 1973, c. 91, §1 (RPR) .]

**12. State sealer and deputy state sealer.** "State sealer" and "deputy state sealer" shall mean, respectively, the State Sealer of Weights and Measures and the Deputy State Sealer of Weights and Measures;

[ 1973, c. 91, §1 (RPR) .]

**13. Weight.** "Weight" as used in connection with any commodity means net weight;

[ 1973, c. 91, §1 (RPR) .]

**14. Weights or measures.** "Weights or measures," or both, means all weights and measures of every kind, instruments and devices for weighing and measuring and any appliance and accessories associated with any or all such instruments and devices.

[ 1973, c. 91, §1 (RPR) .]

#### SECTION HISTORY

1965, c. 178, §1 (AMD). 1973, c. 91, §1 (RPR). 1979, c. 659, §§1,2 (AMD). 1981, c. 219, (AMD). 2003, c. 638, §1 (AMD).

### **§2303. CONSTRUCTION OF CONTRACTS**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 91, §2 (RP).

### **§2304. DUTY OF OWNERS OF INCORRECT APPARATUS**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 91, §2 (RP).

### **§2305. EXCLUSIONS**

*(REPEALED)*

#### SECTION HISTORY

1973, c. 91, §2 (RP).

## Subchapter 2: STANDARDS AND EQUIPMENT

### **§2351. SYSTEMS OF WEIGHTS AND MEASURES**

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized and either one or both of these systems shall be used for all commercial purposes in the State. The definitions of basic units of weight and measure, the tables of weight and measure and weights and measures equivalents as published by the National Bureau of Standards or its successor organization, the National Institute of Standards and Technology, are recognized and shall govern weighing and measuring equipment and transactions in the State. [1989, c. 24, §1 (AMD) .]

#### SECTION HISTORY

1973, c. 91, §3 (RPR). 1989, c. 24, §1 (AMD).

### **§2352. PHYSICAL STANDARDS**

Weights and measures that are traceable to the United States prototype standards supplied by the Federal Government, or approved as being satisfactory by the National Bureau of Standards, or its successor organization, the National Institute of Standards and Technology, shall be the state primary standards of weights and measures and shall be maintained in such calibration as prescribed by the National Bureau of Standards or the National Institute of Standards and Technology, as applicable. All secondary standards may be prescribed by the state sealer and shall be verified upon their initial receipt and as often thereafter as determined necessary by the state sealer. [1989, c. 24, §2 (AMD) .]

#### SECTION HISTORY

1973, c. 91, §3 (RPR). 1989, c. 24, §2 (AMD).

### §2353. TECHNICAL REQUIREMENTS FOR COMMERCIAL DEVICES

The specifications, tolerances and other technical requirements for commercial weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in National Bureau of Standards Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices," or published in the National Institute of Standards and Technology Handbook 44, 1990, and supplements or revisions to those publications, shall apply to commercial weighing and measuring devices in the State, except insofar as modified or rejected by regulation. [1989, c. 24, §3 (AMD).]

#### SECTION HISTORY

1973, c. 91, §3 (RPR). 1989, c. 24, §3 (AMD).

### §2354. MUNICIPAL STANDARDS AND EQUIPMENT

The municipal officers of each municipality for which a sealer has been appointed as provided for by section 2451 shall procure at the expense of the municipality, such standards of weight and measure and such additional equipment to be used in the enforcement of this chapter in such municipality, as may be prescribed by the state sealer. [1973, c. 91, §3 (RPR).]

#### SECTION HISTORY

1973, c. 91, §3 (RPR).

### §2355. STANDARD WEIGHT FIXED

*(REPEALED)*

#### SECTION HISTORY

1973, c. 91, §4 (RP).

## Subchapter 2-A: MEASUREMENT OF WOOD

### §2361. DEFINITIONS

*(REPEALED)*

#### SECTION HISTORY

1975, c. 598, §1 (NEW). 1977, c. 537, §1 (RPR). 1983, c. 804, §1 (RP).

### §2361-A. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1983, c. 804, §2 (NEW).]

**1. Agreement of the parties.** "Agreement of the parties" means the mutual agreement of the parties or their authorized representatives, and is distinguished from a unilateral condition imposed by any party to the agreement. A party is a company or individual buying wood, a contractor, an individual providing services described in subsection 7 or an authorized employee representative negotiating on behalf of the individual providing services.

[ 1983, c. 804, §2 (NEW) .]



**2. Butt diameter.** Except as otherwise provided by the state sealer, "butt diameter" means the diameter of the severed stem butt, measured outside the bark, the short way through the center, disregarding crevices and cracks.

[ 1983, c. 804, §2 (NEW) . ]

**3. Butt measure.** "Butt measure" means the lineal measure of the butt end of tree length wood, without subsequent conversion to volume by any means. This measurement may be represented in either the number of stems in each butt diameter class by species, or alternatively in the cumulative sum of the butt diameters by species, expressed in inches, without regard to the butt diameter class.

[ 1983, c. 804, §2 (NEW) . ]

**4. Butt scale.** "Butt scale" means the volume measure of wood based solely on measurement of the butt end of individual trees and converted to volume by any means.

[ 1983, c. 804, §2 (NEW) . ]

**5. Green wood.** "Green wood" means trees or parts of trees that have been freshly felled.

[ 1983, c. 804, §2 (NEW) . ]

**5-A. Hauler.** "Hauler" means the person, company or other entity that owns the truck or trailer on which a load of wood is transported.

[ 1997, c. 648, §1 (NEW) . ]

**6. Oven-dried wood.** "Oven-dried wood" means wood that has been oven-dried to remove its moisture content according to standards as adopted by the American Society of Testing and Materials.

[ 1983, c. 804, §2 (NEW) . ]

**7. Payment for services.** "Payment for services" means payment made for services in or incidental to harvesting, hauling or chipping wood, and does not involve transfer of title to the wood.

[ 1983, c. 804, §2 (NEW) . ]

**8. Properly prepared wood.** "Properly prepared wood" means wood that was required to be harvested and yarded, and was prepared as directed, according to written cutting specifications.

[ 1983, c. 804, §2 (NEW) . ]

**9. Sale of wood.** "Sale of wood" means a transaction involving transfer of title to wood.

[ 1983, c. 804, §2 (NEW) . ]

**10. Standard cord.** A "standard cord" means the cubic foot measurement of 4 foot long wood, ranked and well stowed, and stacked 4 feet wide, 4 feet high and 8 feet long, or its equivalent, which stack measure contains 128 cubic feet of wood, bark and air space. A "standard cord" when used in connection with sawdust chips, bark or shavings means the volume contained in 128 cubic feet at the time of sale.

[ 1983, c. 804, §2 (NEW) . ]

**10-A. Trip ticket.** "Trip ticket" means the form used to identify the origin and destination of a truckload of wood.

[ 1997, c. 648, §1 (NEW) .]

**11. Wood.** "Wood" means the severed but unprocessed fibrous derivative of trees, without regard for quality or grade and also means the chipped fibrous derivative of trees.

[ 1983, c. 804, §2 (NEW) .]

**12. Wood transactions.** "Wood transactions" means the "sale of wood" or "payment for services" as those terms are defined in this section.

[ 1983, c. 804, §2 (NEW) .]

#### SECTION HISTORY

1983, c. 804, §2 (NEW). 1997, c. 648, §1 (AMD).

## §2362. MEASUREMENT OF WOOD

*(REPEALED)*

#### SECTION HISTORY

1975, c. 598, §1 (NEW). 1977, c. 537, §2 (RPR). 1983, c. 804, §3 (RP).

## §2362-A. FUEL WOOD

Nothing in this subchapter supersedes or in any way modifies the measurement standards relating to fuel wood provided for in section 2302, subsection 1. [1983, c. 804, §4 (NEW) .]

#### SECTION HISTORY

1983, c. 804, §4 (NEW).

## §2363. STANDARDS FOR WEIGHT SCALE

*(REPEALED)*

#### SECTION HISTORY

1975, c. 598, §1 (NEW). 1977, c. 537, §3 (AMD). 1977, c. 694, §174 (AMD). 1983, c. 804, §5 (RP).

## §2363-A. MEASUREMENT OF WOOD

**1. Cubic measure and standard cord.** In all wood transactions the volume of wood may be measured in cubic feet or by the standard cord as provided for by the state sealer.

[ 1983, c. 804, §6 (NEW) .]

**2. Weight scale.** When agreed upon by the parties, weight measurement may be used in all wood transactions, under the following conditions:

A. The weight measurement may not be converted to volume; [2013, c. 154, §1 (AMD) .]

B. When payment is made for services harvesting wood, all weight measurements must be expressed on a green wood basis. Except as otherwise provided by the state sealer, when the wood is not, or will not be, weighed within 15 days of felling, the person performing the services may, prior to hauling, require that the wood instead be measured by butt measure, or other authorized method of measurement; [ 2013, c. 154, §1 (AMD). ]

C. Sales of wood chips may be based on oven-dried weight, except when payment is made for harvesting wood; [ 2013, c. 154, §1 (AMD). ]

D. When a service contract for harvesting wood requires payment on a per tonnage basis, the contracting party must notify the contractor of the price per ton to be paid under the contract prior to the contractor's providing the harvesting service; and [ 2013, c. 154, §1 (NEW). ]

E. For service contracts for hauling wood, the contracting party must notify the contractor of the price per ton to be paid under the contract prior to the contractor's providing the hauling service. [ 2013, c. 154, §1 (NEW). ]

Notification required under this subsection must be made in writing. Written notification may be communicated by United States mail, private courier or electronic means, including, but not limited to, e-mail and fax transmission.

[ 2013, c. 154, §1 (AMD). ]

**3. Tree length wood.** Butt measure shall be the standard state method for the measurement of tree length wood. Where agreed upon, the parties may use any other method of measurement authorized by this subchapter.

A. Butt scale measurements may be used as follows.

(1) Where payment is made for services, the use of butt scale measurements is prohibited as of April 1, 1986. Until that date, the use of butt scale measurements is permitted for tree length wood under the following conditions.

(a) Prior to its usage, the parties or their authorized representatives, shall sign and date the volume table which shall designate the applicable harvesting area or areas.

(b) The parties, or their authorized representatives, shall receive a copy of the signed butt scale table prior to performance of the services, if a request is made in writing by the employee, an authorized employee representative or by the state sealer.

(c) The volume table to which the measurements are applied shall reasonably represent the volume of trees being cut on the operation.

(2) In the sale of wood, butt scale measurements shall continue to be permitted for tree length wood, under the following conditions.

(a) The applicable butt scale table shall be provided in a written contract agreement.

(b) The volume table to which the measurements are applied shall reasonably represent the volume of trees being cut on the operation. [ 1983, c. 804, §6 (NEW). ]

**4. Log length stems.** Log length stems shall be measured as follows.

A. The international 1/4 inch log rule shall be the standard state rule for the measurement of log length stems. [ 1983, c. 804, §6 (NEW). ]

B. Where agreed upon by the parties, cubic foot measurement, weight measurement, butt measure or another log rule may also be used to measure log length stems. [ 1983, c. 804, §6 (NEW). ]

[ 1983, c. 804, §6 (NEW). ]

#### SECTION HISTORY

1983, c. 804, §6 (NEW). 2013, c. 154, §1 (AMD).

## §2364. STANDARDS FOR BUTT SCALE

(REPEALED)

### SECTION HISTORY

1975, c. 598, §1 (NEW). 1977, c. 537, §4 (RP).

## §2364-A. ACCURATE AND VERIFIABLE MEASUREMENTS

**1. Standards.** It is the intent of this subchapter that any method of wood scaling or measurement used in wood transactions shall provide an accurate and verifiable count of the volume, quantity, dimension or weight measured, according to the standards established by the state sealer, provided that those standards may be efficiently and conveniently applied in wood transactions, as defined in this subchapter.

[ 1983, c. 804, §7 (NEW) . ]

**2. Measurements.** In all wood transactions, no person who scales or measures wood and no person who makes payment to another shall represent a weight, volume, quantity or dimension of wood which is less than the weight, volume, quantity or dimension of wood to be measured.

A. When payment is made for services harvesting wood, all wood that is properly prepared shall be measured in full, without regard to its future merchantability or use. Nothing in this subsection prevents making reasonable deductions based on quantity factors, such as for loose piling, short or undersized wood or for wood that was not designated to be harvested, hauled or chipped. [1983, c. 804, §7 (NEW) . ]

B. The written cutting specifications for properly prepared tree stems shall be provided to the person providing the service and shall be signed by the person requiring the service. [1983, c. 804, §7 (NEW) . ]

C. When payment is made for services in hauling or trucking wood, all wood that was designated to be hauled and which was hauled, shall be measured in full. [1983, c. 804, §7 (NEW) . ]

D. In the sale of wood, all wood that meets the specifications of the parties shall be measured by the terms of the sales contract according to the measurement procedures set forth in section 2363-A that are applicable to a sale of wood, as defined in this subchapter. [1983, c. 804, §7 (NEW) . ]

E. When payment is made for services, payment shall be expressed in the same system of measure that was used in making the measurement. Nothing in this subsection may be interpreted to prohibit the use of the standard cord or butt measure. [1983, c. 804, §7 (NEW) . ]

F. In the sale of wood, the measurement tally sheet recording the first measurement shall include the name of the landowner from whom the stumpage was purchased. The tally sheet also shall include the name or names of other parties involved in this original transaction. [1989, c. 102, (NEW) . ]

G. A person buying stumpage from a landowner shall provide a stumpage sheet or a copy of the measurement tally sheet to the landowner for every truckload sold. The sheet must include:

- (1) The name of the landowner;
- (2) The name of the contractor;
- (3) The name of the hauler;
- (4) A description of the product;
- (5) The date; and
- (6) The destination of the truckload.

This sheet must be provided to the landowner when the person buying the stumpage pays the landowner.  
[1989, c. 760, (NEW).]

[ 1989, c. 102, (AMD); 1989, c. 760, (AMD) .]

**3. Measurement tally sheet.** When payment is made for services, the person providing the service shall promptly receive a copy of the tally sheet setting forth the total measure of the wood, identifying the person or persons providing the service, the location from which the wood was hauled and the date the measurements were made. If, based upon a complaint involving wood that is taken outside the State, the state sealer, after investigation, has reason to believe that there has been inaccurate measurement of the wood, that the measurement of the wood was inaccurately or incompletely represented on the measurement tally sheet or that a measurement tally sheet for the wood was not promptly provided to the person providing the service, then, except in a case of inadvertent error, the state sealer shall require, for a period of not less than one year, that the person requiring the service measure and provide the person providing the service a completed measurement tally sheet for wood that is taken outside the State.

[ 1983, c. 804, §7 (NEW) .]

**4. Specification for properly prepared wood.** Companies or individuals buying wood for processing shall give contractors or landowners written specifications for properly prepared wood. No deductions for quality or future merchantability may be made for properly prepared wood, meeting the written specifications which have been provided by the companies and individuals buying the wood.

[ 1983, c. 804, §7 (NEW) .]

#### SECTION HISTORY

1983, c. 804, §7 (NEW). 1989, c. 102, (AMD). 1989, c. 760, (AMD).

## §2364-B. TRANSPORTATION OF WOOD

A person transporting wood must comply with the provisions of this section. [1997, c. 648, §2 (NEW) .]

**1. Trip ticket required.** Except as provided in subsections 3 and 4, each truckload of wood transported must be accompanied by a trip ticket containing the following information for that load of wood:

A. The date the wood is hauled; [1997, c. 648, §2 (NEW) .]

B. The name of the landowner; [1997, c. 648, §2 (NEW) .]

C. The town of origin; [1997, c. 648, §2 (NEW) .]

D. For wood harvested in the State, the number on the harvest notification form filed with the Bureau of Forestry in accordance with Title 12, section 8883-B; [2003, c. 452, Pt. F, §1 (AMD); 2003, c. 452, Pt. X, §2 (AFF); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV).]

E. The name of the contractor; [1997, c. 648, §2 (NEW) .]

F. The name or names of the cutting crew; [1997, c. 648, §2 (NEW) .]

G. The name of the hauler; [1997, c. 648, §2 (NEW) .]

H. The destination of the wood, both town and customer; and [1997, c. 648, §2 (NEW) .]

I. The signature of the truck driver. [1997, c. 648, §2 (NEW) .]

[ 2003, c. 452, Pt. F, §1 (AMD); 2003, c. 452, Pt. X, §2 (AFF); 2011, c. 657, Pt. W, §7 (REV); 2013, c. 405, Pt. A, §23 (REV) .]

**2. Trip ticket part of record.** Upon delivery of a truckload of wood requiring a trip ticket, the truck driver shall provide a copy of the trip ticket to the wood scaler or other person accepting delivery. When a tally sheet or other record of measurement is required under section 2364-A, subsection 2, the harvest notification number and other information contained on the trip ticket must be recorded on the record of measure or a copy of the trip ticket must be attached to the record of measure.

[ 1997, c. 648, §2 (NEW) .]

**3. Wood transported after measurement.** When wood is transported after its first measurement in accordance with section 2364-A, the information specified in subsection 1, paragraphs B, D and F is not required on the trip ticket and the harvest notification number is not required on subsequent records of measurement.

[ 1997, c. 648, §2 (NEW) .]

**4. Consumer transactions of firewood excluded.** The requirements of this section do not apply to the transportation of firewood in consumer transactions on the retail market as defined in rules adopted pursuant to section 2367.

[ 1997, c. 648, §2 (NEW) .]

**5. Enforcement; violations.** Upon request, a truck driver must present the trip ticket to any employee of the State charged with enforcing the provisions of this subchapter. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to any employee of the State charged with enforcing the provisions of this subchapter.

A. A person who violates this section commits a civil violation and is subject to the penalties provided in section 2368. [2003, c. 452, Pt. E, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. A person who violates this section after having previously violated this subchapter or rules adopted pursuant to this subchapter commits a civil violation and is subject to the penalties provided in section 2368. [2003, c. 452, Pt. E, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

C. A person who misrepresents information on a trip ticket commits a civil violation and is subject to the penalties provided in section 2368. [2003, c. 452, Pt. E, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

D. A person who misrepresents information on a trip ticket after having previously violated this subchapter or rules adopted pursuant to this subchapter commits a civil violation and is subject to the penalties provided in section 2368. [2003, c. 452, Pt. E, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

[ 2003, c. 452, Pt. E, §5 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Presentation of trip ticket to forest ranger.** Upon request, a truck driver shall present a copy of the trip ticket to a forest ranger in any log yard or mill site. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to a forest ranger. A forest ranger may request and use this information for the purpose of enforcing and investigating alleged violations of Title 12, section 8883; Title 14, section 7552; and Title 17, section 2510. For purposes of

this subsection, "forest ranger" means a person employed by the Department of Agriculture, Conservation and Forestry, Bureau of Forestry under Title 12, section 8901. A truck driver or wood scaler who fails to comply with the provisions of this subsection is subject to the penalties provided in section 2368.

[ 2003, c. 454, §1 (NEW); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §23 (REV) .]

#### SECTION HISTORY

1997, c. 648, §2 (NEW). 2003, c. 452, §§E5,F1 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 454, §1 (AMD). 2011, c. 657, Pt. W, §§5, 7 (REV). 2013, c. 405, Pt. A, §23 (REV).

## §2365. STANDARDS FOR MEASUREMENT

*(REPEALED)*

#### SECTION HISTORY

1975, c. 598, §1 (NEW). 1977, c. 537, §4 (RP).

## §2365-A. LICENSING OF MEASURING AND SCALING OPERATORS

The state sealer has the authority to license all persons who measure or scale wood and has the authority to issue rules and establish fees for licensing and examination. Annual license fees shall not exceed \$25 and funds collected shall cover the expenses involved in administering the licensing process and other costs related to the administration of this section. No license to measure or scale wood may be issued to any person, unless that person successfully completes an examination as established by the state sealer. Once a licensing program is instituted then the following provisions of this section shall be in effect. [1985, c. 501, Pt. B, §17 (AMD) .]

Fees collected under this section shall be deposited in a separate account which shall not lapse. [1983, c. 804, §8 (NEW) .]

**1. Applications.** Applications for licenses under this subchapter shall be made in writing on forms prescribed by the state sealer for each wood scaler. The application shall include the name of the applicant scaler, his qualifications, and other pertinent information as the state sealer shall require.

[ 1983, c. 804, §8 (NEW) .]

**2. Violation.** No person may scale or measure wood without first obtaining a proper license.

[ 1983, c. 804, §8 (NEW) .]

**3. License; denial; revocation; suspension.** The state sealer may take enforcement action against the licensee or may initiate proceedings in the District Court, pursuant to Title 5, chapter 375, to revoke or suspend a license for any of the following reasons:

A. The licensee has violated any condition of the license; [1983, c. 804, §8 (NEW) .]

B. The licensee has obtained a license by misrepresentation or failure to disclose fully all relevant facts; and [1983, c. 804, §8 (NEW) .]

C. The licensee has violated any provision of the laws within this chapter. [1983, c. 804, §8 (NEW) .]

[ 1983, c. 804, §8 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

#### SECTION HISTORY

1983, c. 804, §8 (NEW). 1985, c. 501, §B17 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

## **§2365-B. PERSONS LICENSED TO MEASURE AND SCALE WOOD**

Beginning September 1, 1985, there shall be at least one person licensed to measure and scale wood residing in each of the following 3 regions of the State: Aroostook County, Penobscot-Piscataquis Counties and Washington-Hancock Counties. [1985, c. 501, Pt. B, §18 (NEW).]

### SECTION HISTORY

1985, c. 501, §B18 (NEW).

## **§2365-C. PERSONS ENFORCING LAWS RELATING TO MEASUREMENT OF WOOD**

Any employee of the State charged with enforcing the provisions of this chapter relating to the measurement of wood must be examined and licensed in accordance with the provisions of section 2365-A. [1985, c. 501, Pt. B, §18 (NEW).]

### SECTION HISTORY

1985, c. 501, §B18 (NEW).

## **§2366. APPEAL PROCEDURE**

**(REPEALED)**

### SECTION HISTORY

1975, c. 598, §1 (NEW). 1977, c. 537, §5 (RPR). 1977, c. 694, §175 (AMD). 1979, c. 127, §62 (AMD). 1983, c. 804, §9 (RP).

## **§2366-A. DISPUTED WOOD**

In case a dispute arises as to whether wood was accurately scaled or measured, the person aggrieved may file a complaint with the state sealer. Any complaint shall be initiated within 15 days of discovery of the alleged grievance. The state sealer shall investigate the complaint. As part of the investigation, the state sealer or deputy state sealer may subpoena such witnesses and documents as may be necessary to determine the matter, and may cause the disputed wood to be impounded and check measured if it may be separately identified. In the event that an aggrieved party fails to file a complaint within 15 days from discovery of the alleged grievance, the aggrieved party is barred from seeking a remedy under section 2368, subsection 2. [1983, c. 862, §33 (AMD).]

### SECTION HISTORY

1983, c. 804, §10 (NEW). 1983, c. 862, §33 (AMD).

## **§2367. RULES**

The state sealer shall, in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, promulgate and adopt rules relating to: [1983, c. 804, §11 (NEW).]

**1. Weight scale.** Procedures for determining the weight of wood according to weight scale;

[ 1983, c. 804, §11 (NEW) .]



**2. Butt measure; other measurement systems.** Procedures and standards for the lineal and volumetric measurement of wood;

[ 1983, c. 804, §11 (NEW) .]

**3. Measurement equipment standards and tolerances.** Measurement equipment standards and tolerances;

[ 1983, c. 804, §11 (NEW) .]

**4. Complaints; investigations.** Procedures for the filing and investigating of complaints and for the sampling, check scaling and check measurement of disputed wood, including verification of butt scale tables;

[ 1983, c. 804, §11 (NEW) .]

**5. Designation; units of measure.** The designation of appropriate units of measure which can be efficiently and conveniently used in wood transactions;

[ 1983, c. 804, §11 (NEW) .]

**6. Dissemination; scaling and measurement tallies.** The dissemination of the scaling and measurement tallies or slips as appropriate to prevent unfair or deceptive representations of the quantity of wood measured;

[ 1983, c. 804, §11 (NEW) .]

**7. Measuring and scaling operators; licensing.** Licensing of measuring and scaling operators; and

[ 1983, c. 804, §11 (NEW) .]

**8. Other standards.** Other standards and rules necessary to the administration of this subchapter.

[ 1983, c. 804, §11 (NEW) .]

#### SECTION HISTORY

1983, c. 804, §11 (NEW).

## §2368. VIOLATIONS; PENALTIES

**1. Civil penalties.** The following penalties apply to violations of this subchapter or a rule adopted pursuant to this subchapter.

A. A person who violates this subchapter or a rule adopted pursuant to this subchapter is subject to a civil penalty of not more than \$1,000. [2003, c. 452, Pt. E, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates this subchapter or a rule adopted pursuant to this subchapter after having previously violated this subchapter or a rule adopted pursuant to this subchapter is subject to a civil penalty of not more than \$2,000. [2003, c. 452, Pt. E, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

These penalties may be recovered by the state sealer on behalf of the State in a civil action.

[ 2003, c. 452, Pt. E, §6 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Private action.** A person who violates this subchapter or a rule adopted pursuant to this subchapter is liable in a civil action to a person aggrieved by the violation pursuant to the remedies set forth in Title 26, section 626-A. The civil action for damages may be brought by either the aggrieved party or, at the request of the state sealer, by the Attorney General.

[ 2003, c. 452, Pt. E, §6 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1983, c. 804, §11 (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §E6 (RPR).

## §2369. TRANSITION PROVISION

**1. Promulgate and adopt rules.** The state sealer, in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, shall promulgate and adopt rules pursuant to this subchapter within 90 days of the effective date of this section. The rules shall become effective April 30, 1985.

[ 1983, c. 804, §11 (NEW) .]

#### SECTION HISTORY

1983, c. 804, §11 (NEW).

### Subchapter 3: STATE SEALER

## §2401. DESIGNATION; DEPUTY; INSPECTOR OF WEIGHTS AND MEASURES

There shall be a State Sealer of Weights and Measures. The Commissioner of Agriculture, Conservation and Forestry shall be, ex officio, the state sealer. There shall be a Deputy State Sealer of Weights and Measures and state inspectors of weights and measures, referred to in this chapter as the deputy state sealer and inspectors, respectively. [1979, c. 731, §19 (AMD); 2011, c. 657, Pt. W, §6 (REV) .]

#### SECTION HISTORY

1967, c. 300, §2 (AMD). 1971, c. 594, §17 (AMD). 1973, c. 537, §14 (AMD). 1979, c. 731, §19 (AMD). 2011, c. 657, Pt. W, §6 (REV).

## §2402. POWERS AND DUTIES

The state sealer shall: [1973, c. 91, §5 (RPR) .]

**1. Federal standards.** Maintain traceability of the state standards to the National Bureau of Standards;

[ 1973, c. 91, §5 (NEW) .]

**2. Enforcement.** Enforce this chapter;

[ 1973, c. 91, §5 (NEW) .]

**3. Regulations.** Issue, in a manner consistent with the Maine Administrative Procedure Act, reasonable regulations for the enforcement of this chapter, which regulations shall have the force and effect of law;

[ 1977, c. 694, §176 (AMD) .]

**4. Standards.** Establish standards of weight, measure or count, reasonable standards of fill and standards for the presentation of cost per unit information for any packaged commodity;

[ 1973, c. 91, §5 (NEW) . ]

**5. Exemptions.** Grant any exemptions from this chapter or any regulations promulgated pursuant thereto, when appropriate to the maintenance of good commercial practices within the State;

[ 1973, c. 91, §5 (NEW) . ]

**6. Investigations.** Conduct investigations to ensure compliance with this chapter;

[ 1973, c. 91, §5 (NEW) . ]

**7. Delegation of responsibility.** Delegate to appropriate personnel any of these responsibilities for the proper administration of his office;

[ 1973, c. 91, §5 (NEW) . ]

**8. Tests.** Test annually the standards of weight and measure used by any city or county within the State and approve the same when found to be correct;

[ 1973, c. 91, §5 (NEW) . ]

**9. Inspection -- sale.** Inspect and test weights and measures kept, offered or exposed for sale;

[ 1973, c. 91, §5 (NEW) . ]

**10. -- commercial use.** Inspect and test to ascertain if they are correct, weights and measures commercially used:

A. In determining the weight, measure or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count; or [ 1973, c. 91, §5 (NEW) . ]

B. In computing the basic charge or payment for services rendered on the basis of weight, measure or count; [ 1973, c. 91, §5 (NEW) . ]

[ 1973, c. 91, §5 (NEW) . ]

**11. -- institutions.** Test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which funds are appropriated by the Legislature;

[ 1973, c. 91, §5 (NEW) . ]

**12. Approval or rejection.** Approve for use, and may mark, such weights and measures as the state sealer finds to be correct and shall reject and mark as rejected such weights and measures as the state sealer finds to be incorrect. Weights and measures that have been rejected may be seized, if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The state sealer shall condemn and may seize weights and measures found to be incorrect that are not capable of being made correct. This approval, rejection, specification or condemnation may not be considered to be licensing or an adjudicatory proceeding, as those terms are defined by the Maine Administrative Procedure Act;

[ 2009, c. 2, §20 (COR) . ]

**13. Sampling.** Weigh, measure or inspect packaged commodities kept, offered or exposed for sale, sold or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or regulations promulgated pursuant thereto. In carrying out this section, the state sealer shall employ recognized sampling procedures such as are designated in National Bureau of Standards Handbook 67, "Checking Prepackaged Commodities;"

[ 1973, c. 91, §5 (NEW) .]

**14. Appropriate measure.** Prescribe, by regulation adopted in a manner consistent with the Maine Administrative Procedure Act, the appropriate term or unit of weight or measure to be used, whenever he determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count or combination thereof does not facilitate value comparisons by consumers or offers an opportunity for consumer confusion;

[ 1977, c. 694, §178 (AMD) .]

**15. Variations.** Allow reasonable variation from the stated quantity of contents which shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intrastate commerce;

[ 1973, c. 91, §5 (NEW) .]

**16. Personnel training.** Provide for the weights and measures training of inspection personnel and shall establish minimum training requirements which shall be met by all municipal and state weights and measures inspection personnel in the State;

[ 1973, c. 91, §5 (NEW) .]

**17. Standards to enforcement.** Prescribe the standards of weight and measure, additional equipment and methods of test and inspection to be employed in the enforcement of this chapter. The state sealer may prescribe or provide, or both, the official test and inspection forms used in the enforcement of this chapter; and

[ 1991, c. 712, §1 (AMD); 1991, c. 712, §5 (AFF) .]

**18. Registration of commercial motor fuel dispensers.** Accept applications for the registration of motor fuel dispensers in accordance with section 2412.

[ 1991, c. 712, §2 (NEW); 1991, c. 712, §5 (AFF) .]

#### SECTION HISTORY

1973, c. 91, §5 (RPR). 1977, c. 694, §§176-178 (AMD). 1991, c. 712, §§1,2 (AMD). 1991, c. 712, §5 (AFF). RR 2009, c. 2, §20 (COR).

## §2403. SPECIAL POLICE POWERS

When necessary for the enforcement of this chapter or regulations promulgated pursuant thereto, the state sealer is: [1973, c. 91, §5 (RPR).]

**1. Entry.** Authorized to enter any commercial premises during normal business hours, except that in the event such premises are not open to the public, he shall first present his credentials and obtain consent before making entry thereto, unless a search warrant has previously been obtained;

[ 1973, c. 91, §5 (NEW) .]

**2. Orders.** Empowered to issue stop-use, hold and removal orders with respect to any weights and measures commercially used and stop-sale, hold and removal orders with respect to any packaged commodities or bulk commodities kept, offered or exposed for sale. These stop-use, hold and removal orders shall not be considered to be licensing or an adjudicatory proceeding, as those terms are defined by the Maine Administrative Procedure Act;

[ 1977, c. 694, §179 (AMD) .]

**3. Seizure.** Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered or exposed for sale or sold in violation of this chapter or regulations promulgated pursuant thereto;

[ 1973, c. 91, §5 (NEW) .]

**4. Stopping vehicles.** Empowered to stop any commercial vehicle and, after presentment of his credentials, inspect the contents, require that the person in charge of that vehicle produce any documents in his possession concerning the contents and require him to proceed with the vehicle to some specified place for inspection.

[ 1973, c. 91, §5 (NEW) .]

#### SECTION HISTORY

1973, c. 91, §5 (RPR). 1977, c. 694, §179 (AMD).

## §2404. GENERAL INSPECTION AND TESTING OF WEIGHTS, MEASURES AND DEVICES

*(REPEALED)*

#### SECTION HISTORY

1973, c. 91, §6 (RP).

## §2405. INVESTIGATIONS

The state sealer shall investigate complaints made to him concerning violations of this chapter, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of this chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

## §2406. INSPECTION OF PACKAGES

The state sealer shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered or exposed for sale, sold or in the process of delivery, to determine whether the same contain the amounts represented and whether they be kept, offered or exposed for sale, or sold, in accordance with law. When such packages or amounts of commodities are found not to contain the amounts represented or are found to be kept, offered or exposed for sale in violation of law, the state sealer may order them off sale and may mark or stamp them as "illegal." These orders shall not be considered to be licensing or any adjudicatory proceeding, as those terms are defined by the Maine Administrative Procedure Act. No person shall sell, or keep, offer or expose for sale any package or amount of commodity that has been ordered off sale as provided in this section, unless and until such package or amount of commodity has been brought into full compliance with legal requirements, or dispose of any package or amount of commodity that has been ordered off sale and that has not been brought into compliance with legal requirements, in any manner, except with the specific approval of the state sealer. [1977, c. 694, §180 (AMD) .]

#### SECTION HISTORY

1973, c. 91, §6 (RP). 1973, c. 654, §1 (REEN). 1977, c. 694, §180 (AMD).

## **§2407. STOP-USE, STOP-REMOVAL AND REMOVAL ORDERS**

**(REPEALED)**

### SECTION HISTORY

1973, c. 91, §6 (RP).

## **§2408. DISPOSITION OF CORRECT AND INCORRECT APPARATUS**

**(REPEALED)**

### SECTION HISTORY

1973, c. 91, §6 (RP).

## **§2409. POWERS OF STATE SEALER; RIGHT OF ENTRY AND STOPPAGE**

**(REPEALED)**

### SECTION HISTORY

1973, c. 91, §6 (RP).

## **§2410. POWERS AND DUTIES OF DEPUTY STATE SEALER AND INSPECTORS**

**(REPEALED)**

### SECTION HISTORY

1973, c. 91, §6 (RP).

## **§2411. CONCURRENT JURISDICTION**

In municipalities for which sealers of weights and measures have been appointed as provided for in this chapter, the state sealer shall have concurrent authority to enforce this chapter.

## **§2412. REGISTRATION OF MOTOR FUEL DISPENSERS**

It is unlawful to sell motor fuel from a commercial motor fuel dispenser without a certificate of registration. [1991, c. 712, §3 (NEW); 1991, c. 712, §5 (AFF).]

**1. Certificate of registration.** The state sealer shall provide application forms and shall issue a certificate of registration upon receipt of a completed application accompanied by an annual fee as determined under subsection 5. A certificate of registration expires on December 31st. The state sealer may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee.

[ 2007, c. 539, Pt. GGGG, §1 (AMD) .]

**2. Local sealers account.** The state sealer shall deposit all fees from applicants with commercial dispensers in municipalities with duly appointed local sealers into a separate, nonlapsing account, known as the local sealers account. Funds from this account may be used for costs associated with carrying out this subchapter. The state sealer shall deposit all other fees received under this section into the General Fund.

[ 1995, c. 665, Pt. T, §1 (AMD) .]

**3. Payment from local sealers account.** Upon receiving verification from a local sealer that a registered fuel dispenser has been inspected and conforms to standards established for fuel dispensers, the state sealer shall pay to the local sealer an amount as determined under subsection 5.

[ 2007, c. 539, Pt. GGGG, §2 (AMD) .]

**4. No additional fee.** A state or local sealer may not assess a fee for periodic testing and sealing of retail motor fuel dispensers.

[ 1991, c. 712, §3 (NEW); 1991, c. 712, §5 (AFF) .]

**5. Rulemaking.** The Commissioner of Agriculture, Conservation and Forestry shall adopt rules to establish a fee for issuing a certificate of registration under subsection 1 and the payment to a local sealer under subsection 3. The fee and payment established in rule must be per dispensing nozzle certified or inspected. Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2007, c. 539, Pt. GGGG, §3 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

#### SECTION HISTORY

1991, c. 712, §3 (NEW). 1991, c. 712, §5 (AFF). 1995, c. 665, §T1 (AMD). 1997, c. 454, §5 (AMD). 2007, c. 539, Pt. GGGG, §§1-3 (AMD). 2011, c. 657, Pt. W, §6 (REV).

### §2413. GASOLINE LABELING

*(REPEALED)*

#### SECTION HISTORY

1999, c. 709, §1 (NEW). 2003, c. 638, §2 (RP).

## Subchapter 4: LOCAL SEALERS

### §2451. ELECTION BY MUNICIPAL OFFICERS

*(REPEALED)*

#### SECTION HISTORY

1973, c. 91, §7 (RPR). 2013, c. 595, Pt. U, §7 (RP).

### §2452. APPOINTMENT BY STATE SEALER

*(REPEALED)*

#### SECTION HISTORY

2013, c. 595, Pt. U, §7 (RP).

### §2453. -- POWERS AND DUTIES

*(REPEALED)*

#### SECTION HISTORY

1973, c. 91, §7 (RPR). 2013, c. 595, Pt. U, §7 (RP).

## §2455. RECORDS OF WEIGHTS AND MEASURES SEALED; ANNUAL REPORT

(REPEALED)

### SECTION HISTORY

2013, c. 595, Pt. U, §7 (RP).

## Subchapter 5: WEIGHMASTER

### §2501. QUALIFICATIONS

**1. Individual license.** A person wishing to be a licensed public weighmaster shall make application to the state sealer upon forms provided by the state sealer, and each application must be accompanied by an annual fee of \$25. When the state sealer receives an application and is satisfied that the applicant is of good moral character, has the ability to weigh accurately and to make correct weight certificates, has passed such oral or written examination as the state sealer may require and makes an oath to execute the requisite duties satisfactorily, the state sealer shall grant the applicant a license as a public weighmaster. A license expires on December 31st annually or in a manner consistent with the Maine Administrative Procedure Act, whichever is later, unless sooner revoked or suspended under section 2506.

Except as provided in subsection 2, a licensed public weighmaster shall, at the public weighmaster's own expense, procure an impression seal. The public weighmaster's name and the word "Maine" must be inscribed around the outer margin of the seal and the words "licensed public weighmaster" must appear in the center of the seal. The seal must be impressed upon each weight certificate issued by the licensed public weighmaster.

[ 1999, c. 646, §1 (NEW) .]

**2. Corporate license.** A business, company or corporation wishing to be a licensed corporate public weighmaster shall make application to the state sealer upon forms provided by the state sealer. The application must name the owner or manager of the business, company or corporation who is making the application. Each application must be accompanied by an annual fee of \$250 and a list of employees who hold valid individual licenses under subsection 1. When the state sealer receives an application and is satisfied that the business, company or corporation has the ability to train its employees to weigh accurately and to make correct weight certificates and that at least one employee of that business, company or corporation holds a valid individual license under subsection 1, the state sealer shall grant the business, company or corporation a license as a corporate public weighmaster. A license expires on December 31st annually or in a manner consistent with the Maine Administrative Procedure Act, whichever is later, unless sooner revoked or suspended under section 2506.

The holder of a corporate license must notify the state sealer when a licensed public weighmaster begins or leaves employment with that business, company or corporation. The state sealer shall assign a number to each licensed public weighmaster operating under a corporate license. A corporate licensed public weighmaster shall procure, at the corporation's expense, an impression seal. The business, company or corporation name and the word "Maine" must be inscribed around the outer margin of the seal. The words "licensed corporate public weighmaster" must appear in the center of the seal with a number identifying the individual who is operating under the corporate weighmaster license. The seal and correct identifying number must be impressed upon each weight certificate issued under the corporate license. A person who does not hold a valid license under subsection 1 may not issue a weight certificate under a corporate license.

[ 1999, c. 646, §1 (NEW) .]

### SECTION HISTORY

1977, c. 694, §181 (AMD). 1989, c. 888, §5 (AMD). 1997, c. 454, §6 (AMD). 1999, c. 646, §1 (RPR).



**§2502. SCALE USED; TYPE; TEST**

When making a weight determination as provided for by this chapter, a licensed public weighmaster shall use a weighing device that is of a type suitable for the weighing of the amount and kind of material to be weighed and that has been tested and approved for use by the state sealer or a sealer within a period of 12 months immediately preceding the date of weighing.

**§2503. CAPACITY; PLATFORM SIZE; ONE-DRAFT WEIGHING**

A licensed public weighmaster shall not use any scale to weigh a load, the weight of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles fully, completely and as one entire unit. If a combination of vehicles must be broken up into separate units in order to be weighed as prescribed, each such separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each such separate unit.

**§2504. ACTION BY UNLICENSED PERSONS**

No person shall assume the title "licensed public weighmaster," or any title of similar import, perform the duties or acts to be performed by a licensed public weighmaster, hold himself out as a licensed public weighmaster, issue any weight certificate, ticket, memorandum or statement for which a fee is charged, or engage in the full-time or part-time business of public weighing, unless he holds a valid license as a licensed public weighmaster. "Public weighing," as used in this section, shall mean the weighing for any person, upon request, of property, produce, commodities or articles other than those which the weigher or his employer, if any, is either buying or selling.

**§2505. MALFEASANCE**

**1. Falsification of certificate.** A licensed public weighmaster who falsifies a weight certificate or who delegates authority to a person not licensed as a licensed public weighmaster or who preseals a weight certificate with the licensed public weighmaster's official seal before performing the act of weighing commits a civil violation for which a fine of not more than \$100 may be adjudged.

[ 2003, c. 452, Pt. E, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Misuse of seal.** A holder of a corporate public weighmaster's license may not allow a person not licensed as a licensed public weighmaster to issue a weight certificate using the corporate seal.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$500 may be adjudged. [2003, c. 452, Pt. E, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [2003, c. 452, Pt. E, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

[ 2003, c. 452, Pt. E, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Holder of corporate license.** For the purposes of this section, the person whose name appears on the application for a corporate license pursuant to section 2501, subsection 2 is deemed to be the holder of the corporate license.

[ 2003, c. 452, Pt. E, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

## SECTION HISTORY

1999, c. 646, §2 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §E7 (RPR).

## **§2506. SUSPENSION OR REVOCATION OF LICENSE**

The state sealer is authorized, in a manner consistent with the Maine Administrative Procedure Act, to refuse to renew, and the District Court is authorized, on complaint of the state sealer or the Attorney General, to suspend or revoke the license of any licensed public weighmaster or licensed corporate public weighmaster when the licensee has violated any provision of this chapter or of any valid regulation of the state sealer affecting a licensed public weighmaster. [1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF); 1999, c. 646, §3 (AMD).]

### **SECTION HISTORY**

1977, c. 694, §182 (RPR). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 646, §3 (AMD).

## **Subchapter 6: WEIGHT CERTIFICATES**

### **§2551. REQUIRED ENTRIES**

The weight certificate forms shall be approved by the state sealer and shall contain the following information: The date of issuance, the kind of property, produce, commodity or article weighed, the name of the declared owner or agent of the owner or of the consignee of the material weighed, the accurate weight of the material weighed, the means by which the material was being transported at the time it was weighed and such other available information as may be necessary to distinguish or identify the property, produce, commodity or article from others of like kind. Such weight certificate, when so made and properly signed and sealed, shall be prima facie evidence of the accuracy of the weights shown.

### **§2552. EXECUTION; REQUIREMENTS**

A licensed public weighmaster shall not enter on a weight certificate issued by him any weight values but such as he has personally determined, and he shall make no entries on a weight certificate issued by some other person. A weight certificate shall be so prepared as to show clearly that weight or weights were actually determined. If the certificate form provides for the entry of gross, tare and net weights, in any case in which only the gross, the tare or the net weight is determined by the weighmaster he shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the weighmaster shall identify on the certificate the scale used for determining each such weight and the date of each such determination.

### **§2553. COPIES PRESERVED AND AVAILABLE**

A licensed public weighmaster shall keep and preserve for at least one year, or for such longer period as may be specified in the regulations authorized to be issued for the enforcement of this chapter, a legible carbon copy of each weight certificate issued by him, which copies shall be open at all reasonable times for inspection by the state sealer or a sealer.

### **§2554. RECIPROCAL ACCEPTANCE**

Whenever in any other state which licenses public weighmasters, there is statutory authority for the recognition and acceptance of the weight certificates issued by licensed weighmasters of this State, the state sealer of this State is authorized to recognize and accept the weight certificates of such other state.

## **Subchapter 7: SALE OF COMMODITIES**

### **§2601. METHOD OF SALE**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2602. DECLARATIONS OF QUANTITY AND ORIGIN; TOLERANCES; EXCEPTIONS**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2603. DECLARATIONS OF UNIT PRICE ON RANDOM PACKAGES**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2604. MISLEADING PACKAGES**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2605. COMMODITY IN PACKAGE FORM DEFINED**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2606. SALE BY WEIGHT**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2607. MISREPRESENTATION OF PRICE; DISPLAY OF BASIC QUANTITY AND FRACTION IN PRICE PER UNIT**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2608. MEAT, FISH AND POULTRY**

*(REPEALED)*

## SECTION HISTORY

1973, c. 91, §9 (RP).

**§2609. BUTTER, OLEOMARGARINE AND MARGARINE**

*(REPEALED)*

SECTION HISTORY

1973, c. 91, §9 (RP).

**§2610. FLUID DAIRY PRODUCTS**

*(REPEALED)*

SECTION HISTORY

1969, c. 44, §1 (AMD). 1973, c. 91, §9 (RP).

**§2611. FLOUR, CORN MEAL AND HOMINY GRITS**

*(REPEALED)*

SECTION HISTORY

1969, c. 44, §2 (AMD). 1973, c. 91, §9 (RP).

**§2612. COAL, COKE AND CHARCOAL**

*(REPEALED)*

SECTION HISTORY

1969, c. 44, §3 (AMD). 1973, c. 91, §9 (RP).

**§2613. WOOD**

*(REPEALED)*

SECTION HISTORY

1973, c. 91, §9 (RP).

**§2614. ICE**

*(REPEALED)*

SECTION HISTORY

1973, c. 91, §9 (RP).

**§2615. TEXTILE PRODUCTS**

*(REPEALED)*

SECTION HISTORY

1973, c. 91, §9 (RP).

**§2616. BERRIES AND SMALL FRUITS**

*(REPEALED)*

SECTION HISTORY

1973, c. 91, §9 (RP).

Subchapter 7-A: SALE OF COMMODITIES

## §2621. MISREPRESENTATION OF QUANTITY

No person shall sell, offer or expose for sale less than the quantity he represents, nor take any more than the quantity he represents when, as buyer, he furnishes the weight or measure by means of which the quantity is determined. [1973, c. 91, §10 (NEW).]

### SECTION HISTORY

1973, c. 91, §10 (NEW).

## §2622. MISREPRESENTATION OF PRICING

No person shall misrepresent the price of any commodity or service sold, offered, exposed or advertised for sale by weight, measure or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive a person. [1973, c. 91, §10 (NEW).]

### SECTION HISTORY

1973, c. 91, §10 (NEW).

## §2623. METHOD OF SALE

**1. Sales of commodities.** Except as otherwise provided by the State Sealer, sales of commodities must comply with the following:

A. Commodities in liquid form must be sold by liquid measure or by weight; [2001, c. 491, §1 (NEW).]

B. Commodities not in liquid form must be sold only by weight, by measure or by count; [2009, c. 192, §1 (AMD).]

C. A seller selling commodities in liquid form and using temperature compensators shall have the seller's entire fleet of vehicles equipped with temperature compensators or have prior approval by the State Sealer for regional use of temperature compensators and shall provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons. Such equipment must be sealed and in use throughout the year; [2009, c. 192, §1 (AMD).]

D. Beginning January 1, 2010 all new delivery vehicles using vehicle tank meters and intended for the retail sale of refined petroleum products in the State must be equipped with automatic temperature compensating meters. A seller selling refined petroleum products and using temperature compensators shall have the seller's entire fleet of vehicles equipped with temperature compensators; and [2009, c. 192, §1 (NEW).]

E. Beginning January 1, 2015 all delivery vehicles using vehicle tank meters and intended for the retail sale of refined petroleum products in the State must be equipped with automatic temperature compensating meters. A seller selling refined petroleum products and using temperature compensators shall have the seller's entire fleet of vehicles equipped with temperature compensators, and they must be in use throughout the year. [2009, c. 192, §1 (NEW).]

[2009, c. 192, §1 (AMD).]

### SECTION HISTORY

1973, c. 91, §10 (NEW). 1977, c. 694, §183 (AMD). 2001, c. 491, §1 (RPR). 2009, c. 192, §1 (AMD).

## §2623-A. CERTAIN WOOD BY-PRODUCTS

A carrier transporting loose sawdust or wood shavings for final delivery to a destination where they will be used in the production of agricultural commodities shall conspicuously label the volume capacity of the vehicle in cubic feet or cords. For the purposes of this section a cord means 128 cubic feet. [1981, c. 288, (NEW).]

Any sale from a vehicle covered by this section shall be accompanied by a sales slip indicating the volume sold. [1981, c. 288, (NEW).]

### SECTION HISTORY

1981, c. 288, (NEW).

## §2624. SALE FROM BULK

Whenever the quantity is determined by the seller, bulk sales in excess of \$20 and all bulk deliveries of heating fuel shall be accompanied by a delivery ticket containing the following information: [1973, c. 91, §10 (NEW).]

**1. Name and address.** The name and address of the vendor and purchaser;

[ 1973, c. 91, §10 (NEW) .]

**2. Date.** The date delivered;

[ 1973, c. 91, §10 (NEW) .]

**3. Quantity.** The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity, including when temperature-compensated sales are made, that fact must be stated;

[ 2001, c. 491, §2 (AMD) .]

**4. Identity.** The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale;

[ 1973, c. 91, §10 (NEW) .]

**5. Count.** The count of individually wrapped packages if more than one.

[ 1973, c. 91, §10 (NEW) .]

### SECTION HISTORY

1973, c. 91, §10 (NEW). 2001, c. 491, §2 (AMD).

## §2625. INFORMATION REQUIRED ON PACKAGES

Except as otherwise provided in this chapter or by regulations promulgated pursuant thereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of: [1973, c. 91, §10 (NEW).]

**1. Identity.** The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container;

[ 1973, c. 91, §10 (NEW) .]

**2. Quantity.** The quantity of contents in terms of weight, measure or count;

[ 1973, c. 91, §10 (NEW) .]

**3. Name and place of business.** The name and place of business of the manufacturer, packer or distributor in the case of any package kept, offered or exposed for sale.

[ 1975, c. 108, (AMD) .]

#### SECTION HISTORY

1973, c. 91, §10 (NEW). 1975, c. 108, (AMD).

## **§2626. DECLARATIONS OF UNIT PRICE ON RANDOM PACKAGES**

In addition to the declarations required by section 2625, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight. [1973, c. 91, §10 (NEW).]

#### SECTION HISTORY

1973, c. 91, §10 (NEW).

## **§2627. ADVERTISING PACKAGES FOR SALE**

Whenever a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or regulation to appear on the package. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement. [1973, c. 91, §10 (NEW).]

Whenever a package commodity or consumer commodity, as defined in Title 7, section 523, subsection 3, is advertised for retail sale, there must be a declaration of the price of the item either on each individual item, on the shelf where the item is located or on a placard or sign immediately adjacent to the item. [2009, c. 192, §2 (NEW).]

#### SECTION HISTORY

1973, c. 91, §10 (NEW). 2009, c. 192, §2 (AMD).

## **§2628. CONFORMITY TO NATIONAL METHOD OF SALE REGULATIONS**

The methods, units, terms and other requirements for the sale of commodities, as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards, or as published in the National Institute of Standards and Technology, "Model State Method of Sale of Commodities Regulation," and supplements or revisions to those publications, shall apply to the sale of commodities in the State of Maine, except insofar as specifically modified, amended or rejected by a regulation issued by the state sealer. [1989, c. 24, §4 (AMD).]

#### SECTION HISTORY

1973, c. 91, §10 (NEW). 1989, c. 24, §4 (AMD).

## §2629. CONFORMITY TO NATIONAL PACKAGING AND LABELING REGULATIONS

The packaging and labeling requirements for consumer and nonconsumer packages, as adopted by the National Conference on Weights and Measures and published in the National Bureau of Standards, "Model State Packaging and Labeling Regulation," or in publications of the National Institute of Standards and Technology, successor organization to the National Bureau of Standards, or in any supplements or revisions to those publications, shall apply to any package kept for the purpose of sale or offered or exposed for sale in the State of Maine, except insofar as specifically modified, amended or rejected by a regulation issued by the state sealer. [1989, c. 24, §5 (AMD).]

### SECTION HISTORY

1973, c. 91, §10 (NEW). 1989, c. 24, §5 (AMD).

## §2630. SALE OF ENGINE COOLANTS AND ANTIFREEZE

**1. Aversive agent required.** A person may not sell or offer to sell in this State any engine coolant or antifreeze that contains more than 10% ethylene glycol unless it includes denatonium benzoate at a minimum of 30 parts per million as a bittering agent within the product so as to render it unpalatable.

[ 2007, c. 336, §1 (NEW) .]

**2. Substitute aversive agent authorized.** Notwithstanding subsection 1, an aversive agent other than denatonium benzoate may be used in engine coolant or antifreeze if it meets or exceeds the degree of aversion in test subjects obtained by using the formulation of 30 parts per million of denatonium benzoate in antifreeze.

[ 2007, c. 336, §1 (NEW) .]

**3. Records of manufacturer and packager.** Any manufacturer or packager of engine coolant or antifreeze subject to this section shall maintain a record of the trade name, scientific name and active ingredients of the bittering agent used pursuant to this section. Information and documentation maintained pursuant to this subsection must be furnished to any member of the public upon request.

[ 2007, c. 336, §1 (NEW) .]

**4. Limitation of liability.** A manufacturer, distributor, recycler or seller of any engine coolant or antifreeze that contains more than 10% ethylene glycol and is required to contain an aversive agent under this section is not liable to any person for any personal injury, death, property damage, damage to the environment or natural resources or economic loss that results from the inclusion of denatonium benzoate or a substitute aversive agent if the aversive agent is included in ethylene glycol engine coolant or antifreeze in concentrations mandated by this section. This subsection does not provide immunity to any person for liability to the extent that the cause of the liability is not related to the inclusion of an aversive agent.

[ 2007, c. 336, §1 (NEW) .]

**5. Misconduct negates limitation of liability.** The limitation of liability under subsection 4 does not apply if the personal injury, death, property damage, damage to the environment or natural resources or economic loss described under subsection 4 results from willful or reckless misconduct by the manufacturer, distributor, recycler or seller of the ethylene glycol engine coolant or antifreeze.

[ 2007, c. 336, §1 (NEW) .]



**6. Exceptions.** This section does not apply to the sale of a motor vehicle that contains engine coolant or antifreeze.

[ 2007, c. 336, §1 (NEW) .]

**7. Effective date.**

[ 2011, c. 691, Pt. A, §3 (RP) .]

SECTION HISTORY

2007, c. 336, §1 (NEW). 2011, c. 691, Pt. A, §3 (AMD).

## **§2631. CONFORMITY TO NATIONAL ENGINE FUELS AND AUTOMOTIVE LUBRICANTS REGULATIONS**

The engine fuel and automotive lubricants requirements, as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology uniform regulation "Uniform Engine Fuels and Automotive Lubricants Regulation," apply to any internal combustion engine fuels, lubricating oils or other similar products stored, sold, distributed, transported, exposed for sale or offered for sale, distribution or transportation in the State, except as specifically modified, amended or rejected by a regulation issued by the state sealer. [2009, c. 192, §3 (NEW) .]

SECTION HISTORY

2009, c. 192, §3 (NEW).

## **Subchapter 8: DEALERS AND REPAIRMEN**

### **§2651. REGISTRATION; CERTIFICATES**

Any person wishing to be registered as a dealer or repairman shall make application to the state sealer upon forms provided by the state sealer, furnishing such pertinent information as may be required and each application must be accompanied by an annual fee of \$25. Upon approval, the state sealer shall issue to the applicant a registration certificate that expires on December 31st, or in the manner provided in the Maine Administrative Procedure Act, Title 5, chapter 375, whichever is later, unless sooner suspended or revoked under section 2655. A registration may be issued for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee. [1997, c. 454, §7 (AMD) .]

SECTION HISTORY

1977, c. 694, §184 (AMD). 1989, c. 888, §6 (AMD). 1997, c. 454, §7 (AMD) .

### **§2652. HANDLING OF CONDEMNED DEVICES; DISPOSITION**

A dealer or repairman who accepts weighing or measuring devices, which have been condemned by the state sealer in trade for new or used weighing or measuring devices, and which are intended to be dismantled or destroyed, upon receipt thereof, shall remove the condemned tags. Such condemned tags shall be returned to the state sealer within 10 days thereafter, with a statement describing the weighing or measuring device, giving the number of the weighing or measuring device, if obtainable, and the name and address of the former owner or user from whom it was received. There shall be furnished a statement of what disposition has been made of the weighing or measuring device.

## §2653. REPORTS TO STATE SEALER

Every dealer or repairman, within 10 days after the making of a repair, adjustment or the sale and delivery of a new, repaired, rebuilt, exchanged or used weighing or measuring device, shall notify, in writing, the state sealer, giving the name and address of the person, firm, copartnership, corporation or association for whom such repair has been made, or to whom a repaired, rebuilt, adjusted, exchanged or used weighing or measuring device has been sold or delivered. The dealer or repairman shall make a written statement that the same has been so altered, rebuilt or repaired as to conform to the standard specifications and regulations of the state sealer. Every dealer and repairman, registered pursuant to section 2651, shall submit to the state sealer the name and address of every person, firm, copartnership, corporation or association for whom weighing or measuring devices are adjusted, repaired, rebuilt or to whom a new, adjusted, repaired, rebuilt, exchanged or used weighing or measuring device has been sold or delivered.

## §2654. CALIBRATION OF TESTING EQUIPMENT; CERTIFICATE

A dealer or repairman shall submit his testing equipment at least once a year to the office of the state sealer for comparison and calibration with the standard maintained by such state sealer. After comparison and calibration, the state sealer shall issue to such dealer or repairman a certificate of his findings.

### §2654-A. RETAIL VEHICLE TANK METERING DEVICES

A repairman registered and otherwise regulated under this subchapter may test and calibrate retail vehicle tank metering devices for the delivery of petroleum products, provided that the state sealer has determined that the repairman is qualified, on the basis of his competency and his proper use of correct equipment, to perform those tests and calibrations. The state sealer shall note his determination of that qualification on the repairman's registration certificate and shall make a new determination of qualification each time the certificate is renewed. [1985, c. 33, §1 (NEW).]

Such a metering device which has been tested and, if necessary, calibrated by a repairman in accordance with this section shall not be tested or calibrated by the state sealer within the 12-month period following the date of the testing and calibration unless testing or calibration by the state sealer is requested by the owner or operator of the device, except that the state sealer may test and, if necessary, calibrate any such device for the purpose of evaluating the competency of any repairman or for the purpose of investigation of a complaint. When the state sealer tests or calibrates such a device for those purposes, he shall not charge any fee if the device has been tested and, if necessary, calibrated within the previous 12 months and he finds the device to be correct. [1985, c. 33, §1 (NEW).]

#### SECTION HISTORY

1985, c. 33, §1 (NEW).

## §2655. SUSPENSION OR REVOCATION OF REGISTRATION OF DEALERS OR REPAIRMEN

The state sealer is authorized to refuse to renew the certificate of any registered dealer or repairman when he is satisfied, after providing notice and opportunity for a hearing in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory hearings, that the registrant has violated this subchapter or is found to be an incompetent, inefficient, unscrupulous or unsuitable person to be engaged as a dealer or repairman. The District Court, upon complaint of the state sealer or the Attorney General, is authorized to suspend or revoke the certificate of any registered dealer or repairman on the same grounds. [1977, c. 694, §185 (RPR); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

#### SECTION HISTORY

1977, c. 694, §185 (RPR). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

## §2656. PENALTIES

**1. Violation of subchapter; first and subsequent offenses.** The following penalties apply to violations of this subchapter.

A. A person who violates a provision of this subchapter commits a civil violation for which a fine of not more than \$100 may be adjudged. [2003, c. 452, Pt. E, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates a provision of this subchapter after having previously violated this subchapter commits a civil violation for which a fine of not more than \$200 may be adjudged. [2003, c. 452, Pt. E, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. E, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Conducting business without license; first and subsequent offenses.** A person may not conduct a business of dealer or repairman without having a certificate in full force.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$100 may be adjudged. [2003, c. 452, Pt. E, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged. [2003, c. 452, Pt. E, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. E, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

### SECTION HISTORY

2003, c. 452, §X2 (AFF). 2003, c. 452, §E8 (RPR).

## Subchapter 9: FEES

## §2701. SCHEDULE

The Commissioner of Agriculture, Conservation and Forestry is authorized, after consultation with municipal authorities and representatives of industry, to hold a public hearing for the purpose of establishing fees of the state sealer and the sealers of weights and measures for testing weights and measures to be paid by the person for whom the service is rendered. [1979, c. 731, §19 (AMD); 2011, c. 657, Pt. W, §6 (REV).]

Promulgation and establishment of fees shall follow the procedure and be subject to the requirements as to rulemaking of the Maine Administrative Procedure Act. [1977, c. 694, §186 (AMD).]

No sealer shall charge a fee provided by this section unless he has adequate equipment to test accurately and which equipment has been approved to perform the service rendered by the state sealer.

The state sealer or sealers shall not charge a fee for testing or calibrating, weighing and measuring devices which have been calibrated or tested and approved within a period of 3 months from time of approval, provided the same are found to be correct, except fees for testing or calibrating retail vehicle tank metering devices tested or calibrated by a repairman in accordance with section 2654-A shall be charged as provided in that section. [1985, c. 33, §2 (AMD).]

When any person requests an inspection of any measuring device, the state sealer, deputy or inspector is authorized to charge an amount sufficient to cover the cost of actual expense incurred in performing this special service, including mileage, lodging and meals, in addition to the inspection fees described.

All fees and expenses collected under this chapter by the state sealer shall be deposited in the General Fund. [1979, c. 672, Pt. A, §48 (RPR).]

#### SECTION HISTORY

1969, c. 332, (AMD). 1977, c. 694, §186 (AMD). 1979, c. 672, §A48 (AMD). 1979, c. 731, §19 (AMD). 1985, c. 33, §2 (AMD). 2011, c. 657, Pt. W, §6 (REV).

## §2702. PENALTY FOR FAILURE TO PAY

**1. Payment for services rendered.** A person, firm or corporation for whom scales, weights and measures or any weighing or measuring devices have been tested by a local sealer of weights and measures may not neglect or refuse to pay for the services rendered.

[ 2003, c. 452, Pt. E, §9 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Penalties.** The following penalties apply to violations of this section.

A. A person, firm or corporation who violates subsection 1 commits a civil violation for which a fine of \$3 plus costs must be adjudged. [2003, c. 452, Pt. E, §9 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person, firm or corporation who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$10 plus costs and not more than \$20 plus costs must be adjudged. [2003, c. 452, Pt. E, §9 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. E, §9 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

2003, c. 452, §X2 (AFF). 2003, c. 452, §E9 (RPR).

## Subchapter 10: ENFORCEMENT AND JURISDICTION

## §2751. OFFENSES AND PENALTIES

A person who violates the following enumerated provisions or any provision of this chapter or rules adopted pursuant thereto, for which a specific penalty has not been prescribed, commits a civil violation for which a forfeiture must be adjudged in an amount not less than \$50 nor more than \$2,000. [1991, c. 650, §1 (AMD).]

A person may not: [1991, c. 650, §1 (AMD).]

**1. Use or have in possession.** Use or have in possession for use in commerce any incorrect weight or measure;

[ 1973, c. 91, §11 (RPR) .]

**2. Remove tag, seal or mark.** Remove any tag, seal or mark from any weight or measure without specific written authorization from the proper authority;

[ 1973, c. 91, §11 (RPR) .]

**3. Hinder or obstruct.** Hinder or obstruct any weights and measures official in the performance of that official's duties;

[ 1991, c. 650, §1 (AMD) .]

**4. Use of scale.** Use any scale that requires permanent installation that has been relocated without first having the same tested and approved by the state sealer or a sealer;

[ 1991, c. 650, §1 (AMD) .]

**5. Sale of less quantity represented.** Sell, or offer or expose for sale, less than the quantity the person represents of any commodity, thing or service;

[ 1991, c. 650, §1 (AMD) .]

**6. Take more quantity as buyer.** Take more than the quantity the person represents of any commodity, thing or service when, as a buyer, the person furnishes the weight or measure by means of which the amount of the commodity, thing or service is determined; or

[ 1991, c. 650, §1 (AMD) .]

**7. Commodity in unlawful condition.** Keep for the purpose of sale, advertise or offer or expose for sale, or sell any commodity, thing or service in a condition or manner contrary to law or rule.

[ 1991, c. 650, §1 (AMD) .]

#### SECTION HISTORY

1965, c. 178, §2 (AMD). 1973, c. 91, §11 (RPR). 1973, c. 654, §2 (AMD).  
1991, c. 650, §1 (AMD).

### §2752. JURISDICTION

The District Court and the Superior Court shall have concurrent jurisdiction of prosecutions for all offenses against the laws pertaining to weights and measures.

### §2753. INJUNCTION

The state sealer is authorized to apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this chapter or any rule promulgated pursuant to this chapter. [1983, c. 804, §12 (AMD).]

#### SECTION HISTORY

1973, c. 91, §12 (NEW). 1983, c. 804, §12 (AMD).

### §2754. PRESUMPTIVE EVIDENCE

Whenever there shall exist a weight or measure or weighing or measuring device in or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device is regularly used for the business purposes of that place. [1973, c. 91, §12 (NEW).]

#### SECTION HISTORY

1973, c. 91, §12 (NEW).

## **§2755. REGULATIONS TO BE UNAFFECTED BY REPEAL OR PRIOR ENABLING STATUTE**

The adoption of this Act or any of its provisions shall not affect any regulations promulgated pursuant to the authority of any earlier enabling statute unless inconsistent with this Act or modified or revoked by the state sealer. [1973, c. 91, §12 (NEW).]

### SECTION HISTORY

1973, c. 91, §12 (NEW).

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